



WEB COPY



Crl.O.P.No.32534 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2025

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.32534 of 2024

1. Saravanan

2. R.Ayyammal

... Petitioners

Vs.

The State represented by

The Inspector of Police,

Kattur Police Station,

Coimbatore District.

(in Crime No.404 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioners on bail in the event of their arrest in respect of Crime No.404 of 2024 on the file of the respondent Police.

For Petitioners : Mr.A.Ganesan

For Respondent : Mr.S.Santhosh

Government Advocate (Crl.side)

ORDER

Apprehending arrest in connection with Crime No.404 of 2024 registered for the offences punishable under Sections 406, 420 and 120B of IPC, the present petition has been filed seeking anticipatory bail.

2. Pleading innocence on the part of the petitioners, false



Crl.O.P.No.32534 of 2024

WEB COPY

implication in the case, learned counsel for the petitioners seeks indulgence of this Court. Learned counsel for the petitioners would submit that already this Court, by an order dated 27.12.2024 had dismissed the present petition insofar as the second petitioner is concerned. He would further submit that the petitioners and the defacto complainant started a business and suffered loss and there is no intention on the part of the petitioners to cheat the defacto complainant. He would further submit that the second petitioner is the wife of the first petitioner and she has no role.

3. The case of the prosecution as putforth by the learned Government Advocate (Crl.side) appearing for the respondent Police while opposing for grant of anticipatory bail to the petitioners would submit that the first petitioner induced the defacto complainant to invest in business and believing the same, the defacto complainant had invested a sum of Rs.8.3 Lakhs and later, the first petitioner cheated the defacto complainant.

4. Having heard the learned counsel for the petitioners and the



Crl.O.P.No.32534 of 2024

learned Government Advocate (Crl.side) for the respondent and perused the materials available on record, this Court is inclined to grant anticipatory bail to the first petitioner with certain conditions and accordingly the first petitioner is ordered to be released on bail in the event of his arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.2, Coimbatore, on condition that the first petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), each with two sureties, each for a like sum to the satisfaction of the respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the first petitioner failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the first petitioner shall report before the respondent Police daily at 10.30 a.m, for a period of two weeks and thereafter, every Saturday at 10.30 a.m until further orders;

[c] the first petitioner shall not tamper with



Crl.O.P.No.32534 of 2024

evidence or witness either during investigation or trial;

[d] the first petitioner shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the first petitioner in accordance with law as if the conditions have been imposed and the first petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS.

5. Since this Court had already dismissed this petition insofar as the second petitioner is concerned, this Criminal Original Petition is closed insofar as the second petitioner.

09.01.2025

mn



Crl.O.P.No.32534 of 2024

WEB COPY

To

1. The Inspector of Police,
Kattur Police Station,
Coimbatore District.

2. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.



WEB COPY



CrI.O.P.No.32534 of 2024

mn

CrI.O.P.No.32534 of 2024

09.01.2025